AYOTTE of New Hampshire, REED and WHITEHOUSE of Rhode Island, and MURPHY and BLUMENTHAL of Connecticut.

That day has arrived and will be celebrated with a special event at the Maine Maritime Museum in the City of Bath. For more than a half-century, this outstanding museum has honored our State's seafaring heritage and the important role Maine plays today in global maritime activities.

Lobster fishing is central to that heritage. Since colonial times, it has served as an economic engine and a family tradition in New England, helping to support the livelihoods of thousands of families. Throughout the region, more than 120 million pounds of lobster are caught each year, making it one of our most valuable commodities.

More than 70 percent of this harvest is hauled in by Maine's 6,000 commercial license holders. Lobster is the backbone of Maine's prolific fishing industry, which produces more than $1 billion in economic activity and supports 26,000 year-round jobs in such affiliated enterprises as boatbuilding and maintenance, trap-making, bait, fuel and other supplies. The Maine lobster industry is built upon thousands of owner-operated family businesses, where the generations work together, supporting themselves and sustaining their communities.

The hard-working men and women of the Maine lobster industry are the original conservationists. For more than 150 years, they have led the way in managing this precious resource through size restrictions and trap limits, and they are at the forefront of efforts to protect whales and other marine mammals. The economic activity they generate helps to preserve the working waterfronts that are essential to coastal communities.

The lobster industry represents the very essence of Maine—a deep respect for the environment and a dedication to hard work. I congratulate the men and women of the Maine lobster industry for upholding this centuries-old heritage and thank the Maine Maritime Museum for celebrating it.

REMEMBERING CHIEF JUSTICE WILLIAM HUBBS REHNQUIST

Mr. CRUZ. Mr. President, Thursday, September 3, was the 10th anniversary of the death of William Hubbs Rehnquist, the former Chief Justice of the United States Supreme Court. Rehnquist was an absolutely outstanding chief, one of the most influential Justices in the 225-year history of the Court. And the 10 years since his unfortunate passing have only served to increase the level of respect and admiration many have for him. This reverence is richly deserved, as Rehnquist spent over three decades—nearly two decades as Chief Justice—valiantly attempting to return the Court to this country's first principles, federalism being a primary one, in order to salvage our fundamental liberties. This is a goal the current Court would do well to remember and embrace.

Of course, I am slightly biased in this matter. I clerked for Rehnquist, after all, and therefore spent an entire year learning at his side, while simultaneously embarrassing myself in his doubles tennis matches. But what is amazing about Rehnquist is how much esteem he was held in by those who often disagreed with him. Indeed, the respect he enjoyed from his colleagues was unparalleled. To give just one of many examples, Walter Dellinger, a former Solicitor General in the Clinton administration, wrote that ''Rehnquist was a great leader and effective administrator of the Supreme Court and the national judiciary. He ran a tight ship. . . . Every justice with whom I have spoken in recent years has noted that the court was functioning well under his leadership.'' Rehnquist didn't just treat his fellow lawyers well, either. He knew everyone's name who worked in the Court—from Justices, to police officers, to janitors—and he treated them all fairly and with dignity. Outside the Court, where he regularly strolled with his clerks, he would often graciously take pictures of tourists, who had no idea they had just asked our country's top judicial officer to assist with their family snapshot. These days, in the era of selfies, the tourists probably would not notice him at all. And Rehnquist would be fine with that. Humility was one of his defining characteristics.

In remembrance of Chief Justice Rehnquist's passing, I ask unanimous consent to have printed in the RECORD a memorial article I wrote for the Harvard Law Review 10 years ago. This is not nearly as much as Rehnquist deserves, but it is more than a man like Rehnquist would ever request for himself. We miss you, Chief.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Harvard Law Review, Nov., 2005]

IN MEMORIAM: WILLIAM H. REHNQUIST

(By R. Ted Cruz)

THE EDITORS OF THE HARVARD LAW REVIEW RESPECTFULLY DEDICATE THIS ISSUE TO CHIEF JUSTICE WILLIAM H. REHNQUIST

A doll, a headdress, and a ship captain's wheel. All three enjoyed prominent placement in the Chief Justice's private chambers. Each was a gift from his law clerks, and each symbolized a different aspect of William Hubbs Rehnquist's tenure as Chief Justice of the United States.

Appointed to the Court in 1971, then-Justice Rehnquist found himself on a Court very much out of step with the rest of the nation. Five months after he arrived, in June of 1972, the Court issued Furman v. Georgia, striking down the death penalty across the country. Despite the fact that capital punishment is referenced explicitly in the text of Constitution, the Court concluded that it was nonetheless unconstitutional and with the stroke of a pen threw out the laws of virtually every state. Predicated upon what were termed ''evolving standards of decency,'' Furman asserted that five Justices were better arbiters of what was ''decent'' than the hundreds of millions of voters who had elected the legislatures that had widely adopted the death penalty.

Justice Rehnquist, of course, dissented. And four years later, the Court retreated from its decree that no state could ''decently'' choose to impose the death penalty. But Furman was emblematic. In the 1960s and 1970s, the Court consistently elevated the rights of criminal defendants, and, repeatedly, Justice Rehnquist dissented, often alone.

As in criminal law, so too across the gamut, especially concerning federalism and the Religion Clauses. For his first decade and beyond, Justice Rehnquist earned his ''Lone Ranger'' nickname. Thus, the first gift from the clerks—a twelve-inch adjustable Lone Ranger doll, which sat for some three decades on the bookshelf in his back office.

But the fiery dissents of the 1970s were not to be Justice Rehnquist's entire legacy. In 1986, President Reagan made him Chief. Thus, the second gift—an elaborate Indian feather headdress, which sat next to the Lone Ranger doll on the bookshelf.

Beside both the doll and the headdress lay one of the most startling graphical representations of the different role Chief Justice Rehnquist was to play. Starting at the ceiling, his bound opinions from each Term stretched across the shelves. For the first fifteen years, each Term's bound volume is consistently three to four inches wide. Then, in 1986, there is a sharp divide: from that point forward, each Term's volume of collected opinions falls to one to two inches in width. That visual break was not the result of a sudden lack of verbosity. Rather, it was a physical manifestation of Chief Justice Rehnquist's understanding of the very different task assigned a Chief Justice. No longer was his principal role to expound impassioned individual views; instead, it was to lead.

Thus, in 1996—his twenty-fifth anniversary as a Justice and his tenth as Chief—his third and most emblematic gift came from the clerks: a large ship's captain's wheel, which was mounted on the wall to commemorate his careful guidance of the Court over the decades.

The Chief steered the Court, carefully, steadily, over nineteen years at the helm. One result of that guidance, widely appreciated by lawyers, scholars, and public commentators, is that many of those 1970s-era Rehnquist dissents are now the law of the land. Indeed, there are few clearer legal arcs than the path from Rehnquist dissent to Court majority over these three decades.

Hence, the so-called federalist revolution, revitalizing an important structural safeguard to human liberty through the preservation of the real authority of sovereign states. ''We start with first principles,'' the Chief began in United States v. Lopez. ''The Constitution creates a Federal Government of enumerated powers,'' ''few and defined,'' in James Madison's words, which ''ensure[s] [the] protection of our fundamental liberties.''

Hence, the return to balance in the Court's Establishment Clause jurisprudence, repudiating the hostility toward religion manifested by earlier decisions. Thus, in 2002, the Chief wrote Zelman v. Simmons-Harris, upholding the Cleveland school-choice program and making clear that the Constitution does not require the exclusion of religious schools from the options presented to children in need.

Fittingly, the Chiefs last opinion, handed down as the last opinion on the last day of the Term, was Van Orden v. Perry. Texas defended the Ten Commandments monument outside our State Capitol, and we won, 5–4. In his plurality opinion, the Chief made clear that nothing in the First Amendment requires chisels and bulldozers to erase any and all public references to the Almighty.

Rather, the Constitution embraces tolerance, not hostility, toward religion.

And hence the well chronicled retreat from the 1960s- and 70s-era overbroad protections for criminal defendants, restoring a jurisprudential approach that preserves constitutional liberties without unnecessarily frustrating good-faith law enforcement efforts.

That legacy of legal transformation has earned Chief Justice Rehnquist, in the judgment of President Clinton's acting Solicitor General Walter Dellinger, a place—along with John Marshall and Earl Warren—among the three most influential Chief Justices in history.

Yet even so, the Chief's skill in steering the Court, the care and diligence with which he achieved that legacy, is not widely understood. Indeed, many scholars, lawyers, and law students have misperceived the Chief's jurisprudence—incorrectly deeming him, for example, significantly less conservative than Justices Scalia and Thomas—because they have failed to appreciate the distinct role of the Chief Justice, guiding the Court.

Take, for example, Dickerson v. United States, reaffirming Miranda v. Arizona as the law of the land. At the time of his death, eulogists pointed to Dickerson as an example of how the Chief had moderated his views, growing over time away from his Lone Ranger passion and toward an appreciation for elements of the status quo.

In my judgment, that view seriously misapprehends Chief Justice Rehnquist. Indeed, a careful examination of Dickerson can illuminate much of how he served as Chief. At the outset, Dickerson cannot be understood in isolation; instead, one must consider the entire course of the Chiefs criminal-law jurisprudence.

For decades before Dickerson, the Chief had been a vocal critic of Miranda. Beginning with Michigan v. Tucker in 1974, the Chief authored or joined dozens of opinions limiting Miranda's reach. Viewed by many as one of the worst Warren Court excesses, Miranda combined an activist approach—mandating specific police warnings found nowhere in the Constitution—with unsettling outcomes—ensuring, in conjunction with a robust exclusionary rule, that demonstrably guilty criminals could go free on the barest of technicalities.

The predicate for all of the Chief's efforts to cabin in Miranda was the notion that the specified warnings were not constitutionally required; rather, they were merely a ''prophylactic'' measure in aid of the broader constitutional value. Because Miranda was prophylactic—because the Constitution did not require its application in every respect—the Chief was able gradually to do much to mitigate its harmful effects.

Enter 18 U.S.C. §3501. Passed in the wake of Miranda and signed into law by President Lyndon B. Johnson, §3501, in effect, purported to overrule Miranda and return to the underlying constitutional standard of voluntariness for the admission of confessions. Yet, for three decades, §3501 lay dormant on the statute books, all but ignored.

In Dickerson, however, a federal court of appeals for the first time gave force to the words of the statute, admitting into evidence a voluntary confession notwithstanding the lack of properly administered Miranda warnings. Thus, the validity of §3501 was squarely presented.

If there was one thing the Chief knew, it was the minds of his colleagues; he had a remarkable sense for what his Brethren were and were not willing to do. As a practical matter, there was no way that Justice O'Connor or Justice Kennedy would possibly be willing to overrule Miranda. It was too established, too much a part of the legal firmament, for either of them to hazard extinguishing it.

If there had been four votes to overrule Miranda, it is difficult to imagine that, given his decades of principled opposition, the Chief would not have readily provided the fifth. But the votes were not there.

In their place was genuine peril. Section 3501 was a statute passed by Congress and signed into law by the President; the only way it could be invalidated was for it to be declared unconstitutional. And, if it were unconstitutional, that would presumably be because Miranda was not mere prophylaxis, but itself required by the Constitution.

Had the Chief voted with the dissenters, the majority opinion would have been assigned by the senior Justice in the majority, in this case Justice Stevens. And Justice Stevens, of course, had a very different view of Miranda than did the Chief.

It is not difficult to imagine a Justice Stevens Dickerson majority, recounting the history of Miranda and §3501 and then observing something like, ''Although we have often used the term 'prophylactic' to describe Miranda, over time it has become interwoven into the basic fabric of our criminal law; thus, today, we make explicit what had been implicit in our prior decisions: Miranda is required by the U.S. Constitution. Accordingly, §3501 is unconstitutional.''

That holding, in turn, would have undermined the foundation for most if not all of the previous decisions limiting Miranda, quietly threatening three decades of the Chief's careful efforts to cabin in that decision appropriately. Therefore, in my judgment, the Chief acted decisively to avoid that consequence. He voted with the majority and assigned the opinion to himself.

With that backdrop, the majority opinion in Dickerson is, in many respects, amusing to read. Its holding can be characterized as threefold: First, Miranda is NOT required by the Constitution; it is merely prophylactic, and its exceptions remain good law. Second, 18 U.S.C. §3501 is not good law. Third, do not ask why, and please, never, ever, ever cite this opinion for any reason.

Although not what one would describe as the tightest of logical syllogisms, it was the best that could be gotten from the current members of the Court. A majority of Justices agreed with each of the first two propositions, and so therefore—even though the propositions are in significant tension with each other—pursuant to Justice Brennan's famed ''rule of five,'' the Court declared both, and nothing more.

That leadership, I would suggest, is a hallmark of a great Chief Justice. The role of the Chief is unique, and Chief Justice Rehnquist understood his colleagues well. Consistently, he achieved the best legal outcome that could be reached in a given case, in aid of moving inexorably in the long term toward sound and principled jurisprudential doctrine.

For those of us who had the privilege of clerking for the Chief, we came to know a man of enormous intellect, principle, humor, and modesty.

Blessed with an eidetic memory, he seemed to know all the law that ever was. He would routinely amaze his clerks by quizzing them on the exact citation to some case or other; the clerks would, of course, never know the cite, and—off the top of his head—the Chief always would. As his son James observed at the Chief's funeral, he would have said that his dad had forgotten more history than most of us will ever know, but he didn't think his dad had ever forgotten anything.

A Midwesterner, born of modest means, the Chief enlisted in the Army in 1943 at age eighteen. Law has too long been a profession of the privileged few, and it is fitting, and worth noting, that the Chief Justice was an enlisted man, serving as weather observer in North Africa.

Once a week, the Chief played tennis with his clerks. We would play on a public court, and no one ever recognized the older gentlemen playing doubles with three young lawyers. He would also have us over to his house to play charades. One of my favorite memories is his lying on his stomach on the floor, pantomiming firing a rifle and mouthing ''pow, pow,'' as he acted out All Quiet on the Western Front.

He enjoyed simple tastes—his favorite lunch was a cheeseburger, a ''Miller's Lite,'' and a single cigarette—and he had little patience for putting on airs. Once, when a law clerk asked him how he went about choosing law clerks, the Chief replied, ''Well, I obviously wasn't looking for the best and the brightest, or I wouldn't have chosen you guys.'' Himself a former law clerk, he had no grand illusions about the job.

He was a kind and decent man. He knew everybody's name in the Court, every police officer and every janitor, and he treated them all with fairness and dignity. For that reason, the respect he enjoyed from his colleagues was unparalleled.

The Chief was beloved by his family, by his colleagues, by the thirty-four years' worth of law clerks whom he befriended, taught, and mentored. His views did not always prevail, but his steady hand at the helm—his vision, leadership, and unwavering principles—made this in every respect the Rehnquist Court.

ADDITIONAL STATEMENTS

RECOGNIZING SUSTAINABLE LUMBER CO.

● Mr. DAINES. Mr. President, I rise in recognition of the achievement of Sustainable Lumber Co., located in Missoula, MT. JPMorgan Chase recently announced that Sustainable Lumber Co. has been awarded a $100,000 grant and business trip to Linkedin's California headquarters for an opportunity of learning and networking. This award further emphasizes Sustainable Lumber Co. as a fine tribute to the State of Montana, and their both transformative and responsible approach to operating their business has earned them the success they rightfully have achieved.

I also would like to applaud JPMorgan Chase for investing in small businesses, like Sustainable Lumber Co., through its Mission Main Street initiative. These investments in small businesses strengthen our local communities and work as a catalyst towards revitalizing the American Dream.●

TRIBUTE TO JACOB FRANCOM

● Mr. DAINES. Mr. President, I rise today in recognition of Jacob Francom, a top-tier educator from Troy, MT. Dr. Francom was recently honored as the 2015 Montana Principal of the Year and is an excellent example of the importance of education to the State of Montana.

Dr. Francom has not only succeeded in enhancing and tailoring the professional skills of his staff, but has made great advancements to the technological arenas at his school. He has